



CITY AND BOROUGH OF SITKA

A COAST GUARD CITY

MEMORANDUM

To: Mayor Eisenbeisz and Assembly Members

From: Assembly Members Ystad and Mosher

Date: May 21, 2024

Subject: Resolution 2024-13

Background

A resolution of the City and Borough of Sitka Assembly supporting amendment 123 to the Fishery Management Plan (FMP) for groundfish of the Bering Sea and Aleutian Islands (BSAI) management area which amends regulations governing limits on the pacific halibut prohibited species catch (PSC) and links the halibut PSC limit for the amendment 80 commercial groundfish trawl fleet in the BSAI groundfish fisheries to halibut abundance.

On December 2021, the North Pacific Fishery Management Council (NPFMC) recommended, and the National Marine Fisheries Service (NMFS) proposed, Amendment 123 (A-123) which links the halibut PSC limit for the Amendment 80 (A-80) commercial groundfish trawl fleet in the BSAI groundfish fisheries to halibut abundance thereby intending to minimize halibut PSC to the extent practicable while achieving optimum yield in the BSAI groundfish fisheries on a continuing basis; and based on a review of the scientific information and consideration of the revised National Standard guidelines, the NPFMC and NMFS determined that reducing halibut PSC with declining halibut abundance provides conservation benefits, as defined by the Magnuson-Stevens Act, to the halibut resource. Linking PSC limits to halibut abundance is more equitable than the prior static PSC limit because when BSAI halibut abundance declines, a static level of halibut PSC in the Amendment 80 fisheries can represent a greater proportion of total halibut removals in the BSAI, particularly in Area 4CDE, and can reduce the proportion of halibut available for harvest in directed halibut fisheries.

A-123 provides incentives for the A-80 fleet to minimize halibut mortality at all times, and may provide indirect benefits to communities that rely on directed fishing for halibut. Where in Sitka the halibut fishery is vital to its economy, its local fishermen, working families and crews, its social fabric and well-being, and local subsistence users and beneficiaries. In order to maximize the benefits of the halibut fishery to Sitka, the City has invested in infrastructure that supports the community's local halibut fishermen and families, including most recently investing \$8.3 million in a vessel haul out and boatyard.

The A-123 Final Rule was published on November 23, 2023, subsequent to which on December 19, 2023, the Groundfish Forum (GFF) in representation of the A-80 groundfish trawl sector filed a lawsuit in the United States District Court for the District of Alaska requesting that the Court

vacate NMFS' decision approving A-123 and remanding it to NMFS to address serious errors. On February 6, 2024, in recognition of the importance of supporting the NPFMC's action and NMFS' implementation of A-123, a group of halibut dependent stakeholders known as the Halibut Defense Alliance (HDA) moved to intervene in the lawsuit as defendants on the side of NMFS. On April 26, 2024, the plaintiff, GFF, filed a Motion for Summary Judgment stating that A-123 is "arbitrary, capricious, and contrary to the law" and requested that it be vacated.

Analysis

Though this fishery and proposed regulation action is far away, it affects Sitka greatly. There are halibut all over the Gulf of Alaska (GOA) and further south, but not all their fry rear where they are made. Halibut fry tend to be carried by GOA's predominantly western current to the western gulf and Bering Sea. That fry then tends to rear in the Bering Sea and those western waters. As they grow, they start to migrate throughout the GOA with many making it down to our waters off of Sitka. This is why fisheries management is so important in the western gulf and Bering Sea.

NMFS's amendment 123 is a conservation effort to promote sustainable fisheries, by holding a gear group accountable for their catch. Conservation and sustainability in fisheries are so important to Alaska and its citizens that it is written in our Alaska Constitution under article VIII sections 2 and 4. Amendment 123 is honoring that commitment in our constitution. Without the implementation of amendment 123, continued sustainable efforts will be limited to the other user groups, commercial, charter, sport, and subsistence. Conservation and sustainability are something that needs to be shared by all user groups no matter the financial or personal losses. It is imperative we ensure access to all users for halibut now and into our future, and amendment 123 is an important step towards that.

If amendment 123 is not implemented, we will more than likely continue to see declining halibut stocks, further limiting access to the resource. This will affect Sitka greatly being one of Alaska's biggest halibut ports. The plaintiff's motion would impair Sitka's immediate economic interests through reduced revenues, depressed quota values, increased-economic uncertainty, and reduced tax revenues from businesses either participating in or providing services to the halibut fishery. Such an outcome would also impair Sitka's economic interests in the longer term because juvenile halibut taken as bycatch in the BSAI cannot migrate to other areas to support either the halibut spawning stock or active fisheries.

Fiscal Note

No anticipated financial obligation anticipated by supporting this resolution.

Recommendation

Approve Resolution 2024-13 on first and final reading.

Encl: Resolution 2024-13

CITY AND BOROUGH OF SITKA

RESOLUTION NO. 2024-13

A RESOLUTION OF THE CITY AND BOROUGH OF SITKA SUPPORTING AMENDMENT 123 TO THE FISHERY MANAGEMENT PLAN (FMP) FOR GROUND FISH OF THE BERING SEA AND ALEUTIAN ISLANDS (BSAI) MANAGEMENT AREA WHICH AMENDS REGULATIONS GOVERNING LIMITS ON THE PACIFIC HALIBUT PROHIBITED SPECIES CATCH (PSC) AND LINKS THE HALIBUT PSC LIMIT FOR THE AMENDMENT 80 COMMERCIAL GROUND FISH TRAWL FLEET IN THE BSAI GROUND FISH FISHERIES TO HALIBUT ABUNDANCE

WHEREAS, on December 2021, the North Pacific Fishery Management Council (NPFMC) recommended, and the National Marine Fisheries Service (NMFS) proposed, Amendment 123 (A-123) which links the halibut PSC limit for the Amendment 80 (A-80) commercial groundfish trawl fleet in the BSAI groundfish fisheries to halibut abundance thereby intending to minimize halibut PSC to the extent practicable while achieving optimum yield in the BSAI groundfish fisheries on a continuing basis; and

WHEREAS, based on a review of the scientific information and consideration of the revised National Standard guidelines, the NPFMC and NMFS determined that reducing halibut PSC with declining halibut abundance provides conservation benefits, as defined by the Magnuson-Stevens Act, to the halibut resource; and

WHEREAS, linking PSC limits to halibut abundance is more equitable than the prior static PSC limit because when BSAI halibut abundance declines, a static level of halibut PSC in the Amendment 80 fisheries can represent a greater proportion of total halibut removals in the BSAI, particularly in Area 4CDE, and can reduce the proportion of halibut available for harvest in directed halibut fisheries; and

WHEREAS, A-123 provides incentives for the A-80 fleet to minimize halibut mortality at all times, and may provide indirect benefits to communities that rely on directed fishing for halibut; and

WHEREAS, the halibut fishery is vital to Sitka's economy, its local fishermen and working families and crews, its social fabric and well-being, and local subsistence users and beneficiaries; and

WHEREAS, in order to maximize the benefits of the halibut fishery to Sitka, the City has invested in infrastructure that supports the community's local halibut fishermen and families, including most recently investing \$8.3 million in a vessel haul out and boatyard; and

43 **WHEREAS**, the A-123 Final Rule was published on November 23, 2023, subsequent to
44 which on December 19, 2023, the Groundfish Forum (GFF) in representation of the A-80
45 groundfish trawl sector filed a lawsuit in the United States District Court for the District of
46 Alaska requesting that the Court vacate NMFS' decision approving A-123 and remanding it to
47 NMFS to address serious errors; and

48
49 **WHEREAS**, on February 6, 2024, in recognition of the importance of supporting the
50 NPFMC's action and NMFS' implementation of A-123, a group of halibut dependent
51 stakeholders known as the Halibut Defense Alliance (HDA) moved to intervene in the lawsuit
52 as defendants on the side of NMFS; and

53
54 **WHEREAS**, on April 26, 2024, the plaintiff, GFF, filed a Motion for Summary Judgment
55 stating that A-123 is "arbitrary, capricious, and contrary to the law" and requested that it be
56 vacated; and

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58 **WHEREAS**, if successful, the plaintiff's motion would impair Sitka's immediate economic
59 interests through reduced revenues, depressed quota values, increased economic
60 uncertainty, and reduced tax revenues from businesses either participating in or providing
61 services to the halibut fishery, as the history under the prior bycatch limits confirms; and

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63 **WHEREAS**, such outcome would also impair Sitka's economic interests in the longer term,
64 because juvenile halibut taken as bycatch in the BSAI cannot migrate to other areas to
65 support either the halibut spawning stock or active fisheries there.

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67 **NOW, THEREFORE, BE IT RESOLVED** that the Assembly of the City and Borough of Sitka
68 supports Amendment 123 linking the halibut PSC limit for the Amendment 80 fleet in the
69 BSAI groundfish fisheries to halibut abundance.

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71 **PASSED, APPROVED, AND ADOPTED** by the Assembly of the City and Borough of Sitka,
72 Alaska on this 28th day of May, 2024.

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76 _____
77 Steven Eisenbeisz, Mayor

78 ATTEST:

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82 Sara Peterson, MMC
83 Municipal Clerk

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85 1st and final reading: 5/28/2024

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87 Sponsors: Ystad / Mosher

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